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13  
14 **UNITED STATES DISTRICT COURT**  
15  
**DISTRICT OF NEVADA**

16 UNITED STATES OF AMERICA,

17 Plaintiff,

18 v.

19 JAVIER HERRERA-ARCIGA,

20 Defendant.

21 Case No. 3:17-cr-00013-HDM-WGC

22  
**ORDER GRANTING  
STIPULATION TO CONTINUE  
SENTENCING HEARING  
(FIFTH REQUEST)**

23 IT IS HEREBY STIPULATED AND AGREED by and through RENE L.  
24 VALLADARES, Federal Public Defender and KATE BERRY, Assistant Federal Public  
25 Defender, counsel for JAVIER HERRERA-ARCIGA and NICHOLAS A. TRUTANICH,  
26 United States Attorney, and ANDOLYN JOHNSON, Assistant United States Attorneys,  
counsel for the UNITED STATES OF AMERICA, that the Sentencing hearing set for October  
6, 2020, at 11:00 AM, be vacated and continued to **February 11, 2021, at 10:00 AM**.

The continuance is necessary for the following reasons:

1. The defense requests this continuance for the Defendant, Mr. Herrera-Arciga,  
and the government does not oppose.

1       2. The additional time requested by this Stipulation is reasonable pursuant to  
2 Federal Rule of Criminal Procedure 32(b)(2), which states that the “court may, for good cause,  
3 change any time limits prescribed in this rule.”

4       3. Travel and personal exposure to others, especially indoors, continue to pose a  
5 serious health risk due to the current spike in COVID-19 cases within Nevada and neighboring  
6 states.

7       4. On June 23, 2020, the Chief Judge for the District of Nevada entered Temporary  
8 General Order 2020-09, which requires in-custody defendants to be tested for COVID-19, with  
9 the defendant’s consent, and quarantine for 14 days following the test’s administration, prior to  
10 in-person hearings. The Court found that such testing will help protect against further exposure  
11 before transport to the court.

12       5. Because Mr. Herrera-Arciga is housed in NDOC custody, he will be quarantined  
13 for an extended period of time first at NDOC and then at the Washoe County jail before court  
14 and then again at both facilities following court. His transportation also increases his risk of  
15 COVID-19 exposure.

16       6. Mr. Herrera-Arciga is currently detained and agrees to the continuance. He is  
17 not eligible for parole until 2026.

18       7. This is the fifth request for continuance of the sentencing hearing.

19       DATED this 11th day of September, 2020.

21       RENE L. VALLADARES  
22       Federal Public Defender

23       By: /s/ Kate Berry  
24       KATE BERRY  
25       Assistant Federal Public Defender  
26       Counsel for Javier Herrera-Arciga

21       NICHOLAS A. TRUTANICH  
22       United States Attorney

23       By: /s/ Andolyn Johnson  
24       ANDOLYN JOHNSON  
25       Assistant United States Attorney  
26       Counsel for United States

## ORDER

Based on the Stipulation of counsel, and good cause appearing,

**IT IS THEREFORE ORDERED** that the Sentencing Hearing currently set for October 6, 2020, at 11:00 AM, be vacated and continued to **February 11, 2021, at 10:00 AM** before **Judge Howard D. McKibben**. **IT IS SO ORDERED**.

DATED this 14th day of September, 2020.

Howard D. McKibben

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UNITED STATES DISTRICT JUDGE